IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5394 of 1989

With

SPECIAL CIVIL APPLICATION NO. 1114 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

G.S.R.T.C.

Versus

CHAMPAKBHAI NATHUBHAI PATEL

Appearance:

MR HARDIK C RAWAL for Petitioner No. 1

MR MUKESH H RATHOD for Respondent No. 1

Mr. A.J. Desai, AGP for Respondent No. 2

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 12/10/2001

ORAL JUDGEMENT

Both the petitions, being cross petitions, arising from the same order of Conciliation Officer, Surat, in Approval Application No. 118 of 1987, are

heard and disposed together.

2. Learned Counsel, Mr. H.C. Raval appearing for the employer Gujarat State Road Transport Corporation and Mr. Upadhyay appearing for Mr. M.H. Rathod for the workman jointly submitted that both the petitions are required to be disposed by consent on the following terms :

(i) Without entering into the merits of the order dated 11.7.1988 of the Conciliation Officer in Approval Application No. 118 of 1987, the workman, Shri Champakbhai N. Patel shall be reinstated in service with continuity in service and without backwages within a period of four weeks from today. The aforesaid order of the Conciliation Officer shall not be made the basis of claiming any other relief.

(ii) The first order of punishment dated 20th October 1976, being Order No. 274 of 1976 whereby the workman was ordered to be placed at the minimum of the pay-scale, shall stand and operate and the subsequent order of enhancement of punishment shall stand withdrawn.

(iii) The workman shall report for duty after being informed about his posting within the time stipulated hereinabove and in case of his failure to do so within a reasonable time, he shall be deemed to have abandoned his service.

3. Both the petitions stand disposed in terms as above and Rule is made absolute to the aforesaid extend with no order as to costs.

rmr. [D.H. Waghela, J.]